

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

BETTER EDUCATION, INC.	§	
	§	
Plaintiff,	§	
vs.	§	
	§	
TURNING TECHNOLOGIES, LLC	§	Civil Action No. 2:10-cv-412
RENAISSANCE LEARNING, INC.	§	
WIRELESS ESYSTEMS, INC.,	§	
and LEARNSTAR, INC.	§	
	§	JURY DEMAND
Defendants.	§	

COMPLAINT

Plaintiff Better Education, Inc. (“Better Education”) brings this action against Defendants Turning Technologies, LLC (“Turning Technologies”), Renaissance Learning, Inc. (“Renaissance”), Wireless eSystems, Inc. (“Wireless”), and LearnStar, Inc. (“LearnStar”), and for its cause of action alleges:

The Parties

1. Better Education is a corporation organized and existing under the laws of the State of Virginia, with its principal place of business at 4824 George Washington Highway, Yorktown, VA 23692.

2. Upon information and belief, Turning Technologies is a corporation organized and existing under the laws of the State of Ohio and is doing business in this judicial district and elsewhere. Turning Technologies has its principal offices at 225 W Federal Street, Youngstown, OH 44503. Turning Technologies may be served with process by serving its registered agent, Michael F. Broderick, 241 Federal Plaza West, Youngstown, OH 44503.

3. Upon information and belief, Renaissance is a corporation organized and existing under the laws of the State of Wisconsin and is doing business in this judicial district and elsewhere. Renaissance has its principal offices at 2911 Peach Street, Wisconsin Rapids, WI 54495. Renaissance may be served with process by serving its registered agent, Marian Taton, 1320 Greenway Drive, Suite 790, Irving, TX 75038.

4. Upon information and belief, Wireless is a corporation organized and existing under the laws of the State of Florida and is doing business in this judicial district and elsewhere. Wireless has its principal offices at 8403 East Bay Blvd, Navarre, FL 32566. Wireless may be served with process by serving its registered agent, John W. Hawkins, 4475 Legendary Drive, Destin, FL 32541.

5. Upon information and belief, LearnStar is a corporation organized and existing under the laws of the State of Texas and is doing business in this judicial district and elsewhere. LearnStar has its principal offices at 6390 LBJ Freeway, Suite 105, Dallas, TX 75240. LearnStar may be served with process by service upon its registered agent, James D. Camp, 13154 Coit Road, Suite 101, Dallas, TX 75240.

Jurisdiction and Venue

6. This action arises under the patent laws of the United States, Title 35 United States Code, particularly §§ 271 and 281 and Title 28 United States Code, particularly §1338(a). Venue is proper in this Court under Title 28 United States Code §§ 1391(b) and (c) and 1400(b).

Claim For Patent Infringement

7. On March 26, 1991, U.S. Patent No. 5,002,491 ("the '491 patent") was duly and legally issued for an "Electronic Classroom System Enabling Interactive Self-Paced Learning". A copy of the '491 patent is attached as Exhibit A and is made a part hereof. By assignment,

Better Education is the owner of the '491 patent and has the right to enforce the '491 patent and collect damages for all relevant times.

8. The '491 patent, in general, relates to interactive electronic classroom systems that enable teachers to teach students concepts and receive feedback regarding how well the students have learned the concepts.

9. Upon information and belief, Turning Technologies provides interactive electronic classroom systems, including but not limited to its software suite called TurningPoint and student terminals termed ResponseWare and RemotePoll. By providing such systems Turning Technologies has infringed at least claim 1 of the '491 patent.

10. Upon information and belief, Renaissance provides interactive electronic classroom systems, including but not limited to its Renaissance Learning 2Know responder. By providing such systems Renaissance has infringed at least claim 1 of the '491 patent.

11. Upon information and belief, Wireless provides interactive electronic classroom systems, including but not limited to its iRespond Touch and iRespond Anywhere systems. By providing such systems Wireless has infringed at least claim 1 of the '491 patent.

12. Upon information and belief, LearnStar provides interactive electronic classroom systems, including but not limited to its SmartTRAX software and LearnStar v900 and Renaissance Classroom Responder keypads. By providing such systems LearnStar has infringed at least claim 1 of the '491 patent.

Demand for Jury Trial

13. Better Education demands a jury trial on all issues triable of right by a jury.

Prayer for Relief

WHEREFORE, Better Education prays for entry of judgment:

- A. That claim 1 of U.S. Patent No. 5,002,491 has been infringed by the Defendants Turning Technologies, LLC, Renaissance Learning, Inc., Wireless eSystems, Inc., and LearnStar, Inc. and by others whose infringement has been contributed to and/or induced by Defendants;
- B. That Defendants account for and pay to Better Education all damages and costs caused by Defendants' activities complained of herein;
- C. That Better Education be granted pre-judgment and post-judgment interest on the damages caused by reason of Defendants' activity complained of herein;
- D. That Better Education be granted its attorneys' fees in this action;
- E. That costs be awarded to Better Education; and
- F. That Better Education be granted such other and further relief that is just and proper under the circumstances.

Dated: October 6, 2010

/s/ Edward W. Goldstein
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